

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : Victor A. Raul et al
Serial No. : 10/576,991
Filed : March 6, 2007
Title : CONTROLLED-RELEASE COMPOSITION FOR TOPICAL APPLICATION
AND A METHOD OF DELIVERING AN ACTIVE AGENT TO A
SUBSTRATE
Docket : DOC 0170 PA
Examiner : Pihonak, Sarah
Art Unit : 1627
Confirm. No. : 5824

EFS Web Electronic Submission
February 10, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §§ 1.56, 1.97, AND 1.98

Applicants submit herewith patents, publications, and other information of which they are aware, which they believe may be material, as defined in 37 CFR §1.56(b), to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56(a). While the information referred to in this Supplemental Information Disclosure Statement may be material pursuant to 37 CFR §1.56(b), the filing of this Supplemental Information Disclosure Statement is not intended to, pursuant to 37 CFR §1.97(h), constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103, and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish otherwise. Further, pursuant to 37 CFR §1.97(g), the filing of this Statement should not be construed as a statement that a search has been made or that no other material information exists.

US 2001/0046507 A1 corresponds to JP 2001-247452 A; US 6,174,517 B1 corresponds to JP 9-002929 A; US 6,074,652 corresponds to WO 97/44001 A1 and are believed to be the equivalent of an English-language translation of the non-English document or portion thereof,

Serial No. 10/576,991
Docket DOC 0170 PA

within the possession, custody, or control of, or readily available to any individual designated in 37 CFR § 1.56(c) under 37 CFR § 1.98(a)(3)(ii).

This Supplemental Information Disclosure Statement is filed after the period set forth in §1.97(b), but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application.

The undersigned attorney certifies that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

The Office has waived the requirement pursuant to 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. Therefore, no copies of each cited U.S. patent and each cited U.S. patent application publication are enclosed, but the cited U.S. patents and the cited U.S. patent application publications are listed on PTO/SB/08a.

Respectfully submitted,
DINSMORE & SHOHL LLP

By /Timothy W. Hagan/
Timothy W. Hagan
Registration No. 29,001

One Dayton Centre
One South Main Street, Suite 1300
Dayton, Ohio 45402-2023
Telephone: (937) 449-6400
Facsimile: (937) 449-6405

TWH/AMM
Encls.